



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/690,000

10/20/2003

Russell D. Patterson

450133-04596

4868

20999 7590 10/19/2010
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

DANNEMAN, PAUL

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

10/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/690,000 | Applicant(s) PATTERSON, RUSSELL D. | |
| | Examiner PAUL DANNEMAN | Art Unit 3627 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the Amendment filed on 11 August 2010.
2. Claims 1, 27-30 and 56-59 which are independent have been amended.
3. Claims 1-59 are pending and have been examined in this Office Action.

Response to Arguments

4. Applicant argues *“that Markki, Huitema, Hunter, and Zmudzinski, taken either alone or in combination, fail to disclose or render predictable the above-identified features of claim1. Specifically, nothing is found that discloses or renders predictable ‘wherein after a predetermined number of services is requested through the link between the first account and the second account, the link between the first account and the second account is terminated,’ as recited in claim 1.”* Respectfully, the Examiner disagrees for the following Markki in at least paragraph [0134] discloses group rules which are used to indicate the level of sharing of group resources by different members of the group. Zmudzinski in at least paragraphs [0008-0010, 0014, 0017, 0018, 0020, 0025 and 0028] discloses the allocation, limiting the number of and the at will termination of shareable licenses derived from a master device. Markki and Zmudzinski do not specifically disclose "termination based on a level of service", Wannamaker in at least paragraph [0135] discloses an information platform useful for gaming applications over the Internet. Wannamaker in at least paragraphs [0148-0156] discloses a supervisor which monitors resources, such as memory consumption and CPU usage and can terminate processes that exceed preset limits. The Applicant's arguments have been fully considered but are moot in view of the new ground of rejection.

Claim Rejections - 35 USC § 103

5. **Claims 1-59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Markki et al, US 2004/0243665 A1, henceforth known as Markki and in further in view of Huitema et al, US 2003/0056093

Art Unit: 3627

A1, henceforth know as Huitema and further in view of Hunter et al., US 6,758,746 B1, henceforth known as Hunter and further in view of Zmudzinski et al., US 20050044048 A1 ("Zmudzinski") and further in view of Wannamaker et al., US 2004/0031052 A1 ("Wannamaker").

Claims 1-59:

With regard to the limitations:

- ***Providing a first account with member access allowing two or more privileges in the network***
- ***Providing a second account with general access allowing at least one privilege***

Markki does not specifically disclose the number of privileges that a general or member may have regarding the access of a network per se, however in at least paragraph [0004] discloses an invention for searching for users and allowing communications among node users, and for the performance of sharing operations between users. Markki in at least paragraph [0028] discloses a **"general access certificate"** being presented where the user could be considered a member of a **"general group"**, giving the user rights to use services offered in the general group. Markki in at least paragraph [0041 and 0042] discloses a user joining a group in response to receiving a gaming invitation. Markki in at least paragraph [0047] discloses that the group manager may consult a database or registers to see if the user corresponding to the join request is potentially eligible for membership, and/or the like.

Huitema in at least paragraphs [0010-0012] discloses an invention for ensuring secure peer-to-peer communications in a group structure (formation of a group, group member addition, etc.). Huitema further discloses that the peer-to-peer group security allows every peer who is a valid member of the group (has access to the group site) to invite new members (has only access in order to respond to an invitation) using public / private key encryption in several different embodiments. Huitema in at least paragraph [0013] discloses receiving a connect message from a peer's private key, and when the step of authenticating is successful sending an accept message to the peer, and sending a group shared key to the peer. Therefore, it would have been

obvious, at the time of the invention, to one of ordinary skill to modify Markki's Service Provisioning System in a Peer-to-Peer environment with Huitema's Peer-to-Peer Group Security method with the motivation of ensuring a secure environment for members (Markki paragraphs [0051-0052]).

- ***Linking the subscription accounts of a member having member access with a member having general access.***
- ***Linking of the accounts allows member having only general access to have privileges associated with the account having member access privileges.***
- ***Subscription accounts are for online gaming.***
- ***Account with highest privileges may unlink accounts at any time resulting in loss of privileges to the unlinked accounts.***

Markki in at least paragraph [0038] further discloses receiving a request from a user regarding available groups and the user receiving a response containing the appropriate information (i.e. group name, group metadata, description of the group, membership criteria and contact information regarding the manager of the group and/or the individual capable of granting access to the group). Markki in at least paragraph [0047] discloses that the group manager may consult a database or registers to see if the user corresponding to the join request is potentially eligible for membership, and/or the like. Markki in at least paragraph [0134] further discloses that group rules could be, for example, an expiration date for the group, which one or more of the services such as sharing, instant messaging and chat services will be provided by the group and the rules regarding sharable entities. Therefore, it would have been obvious, at the time of the invention, to one of ordinary skill to modify Markki with "membership rules" which make membership sharing with privileges above the "the general access" level temporary based on the payment of fees" and other requirements such as activity, on-line presence, etc. Markki in at least paragraph [0134] still further discloses group rules which are used to indicate the level of sharing of group resources by different members of the group. Markki in at least paragraph [0119] still further discloses allowing for multi-player gaming among group members and being able to search for

Art Unit: 3627

and join other gaming groups in gaming instances and in at least paragraph [0159] still further discloses using a group or user certificates to prove group membership. Markki in at least paragraph [0132] still further discloses that some groups may require a subscription.

Markki does not specifically disclose unlinking accounts; however in at least paragraph [0126] discloses a group manager for specifying user specific information regarding group membership.

Markki in at least paragraph [0134] further discloses the concept of group rules for sharable entities. Markki in at least paragraphs [0141 and 0142] still further discloses that group rules can be created in accordance with various embodiments and requiring a membership application to become a member of a group, also expiration data could be used to limit the life span of a group.

Huitema in at least paragraphs [0066 and 0067] discloses **a group certificate revocation list (GCRL)** which is a listing of users whose privilege to access a particular group has been canceled or withdrawn. Huitema in at least paragraphs [0047, 0048 and 0049] further discloses that group membership certificates which have been revoked by the issuer reside in the GCRL. Huitema in at least paragraph [0051] still further discloses how to deal with members who have been disconnected from the group. Therefore it would have been obvious, at the time of the invention, to one of ordinary skill to combine the well known features of Markki's group sharing with the well know features of Huitema regarding membership cancellation by known methods with the motivation of insuring that only legitimate and properly authorized members are able to join a group to which they are not linked.

- ***Accounts can be linked through a pool.***

Markki and Huitema do not disclose the limitation above, however Hunter in at least Column 4, lines 60-67 and Column 5, lines 1-5 discloses that current role-playing games require a player to purchase the client game software at a fixed price and in most cases also pay a monthly subscription fee per player account, which results in every player receiving the same set of playing options for the game. Hunter further states that current MMORPGs plots are constrained by the economics of pricing models requiring the game developer to improve their games or risk losing subscribers. Hunter in at least Column 6, lines 49-67 further discloses an invention to

Art Unit: 3627

overcome some of the current limitations by offering players more choices of characters and character attributes. Hunter in at least Column 7, lines 33-44 discloses players being given a choice of playing a game with an existing character, creating a new character without a purchase requirement, or purchasing a character with various attributes. Hunter in at least Column 7, lines 45-55 still further discloses a tiered subscription level where a higher level tier could access and use any of the lower tier characters.

Therefore, it would be obvious, at the time of the invention, to one of ordinary skill to be motivated to modify Markki's group sharing and pooling capabilities and Huitema's membership features with Hunter's tiered subscription accounts as a means for RPG publishers and MMORPG publishers, to attract new players to their games and retain existing players without necessarily having to spend time and money developing and refining their game skills in an increasingly crowded RPG game market (Hunter, column 8, lines 39-49).

- ***Wherein when the first account disconnects from the network, the link between the first account and the second account is terminated and the granted at least one privilege (and member access) to the second account is removed from the second account,***

Markki, Huitema and Hunter do not disclose the limitation above per se; however Zmudzinski in at least paragraph [0007] discloses an invention which permits end-users to share rights in the same content, including applications such as multi-player games. The idea is premised in limited sharing of content between a master licensee/device and one or more shareable licensees/devices. Zmudzinski in at least paragraph [0001] further discloses that the invention relates to data processing, including apparatus, systems, and methods used to control access to, and use of, application programs.

Zmudzinski in at least paragraph [0010] further discloses that the allocated and issued shareable licenses may be revoked at will by the master license, or when the master licensee ceases to execute the shared application, or whenever any one of the shareable licensees chooses to terminate execution of his shareable application (e.g., when a shareable licensee chooses to

Art Unit: 3627

leave the multiplayer game session, the shareable license associated with his gaming device may be revoked).

It would have been obvious, at the time of the invention, to one of ordinary skill to combine Markki, Huitema and Hunter with the shareable licensing features as disclosed by Zmudzinski to allow the controlled sharing of a multi-player game by known methods with the motivation to entice shareable licensees to upgrade to a master licensee for a fee (Zmudzinski, paragraph [0010]).

- ***Wherein after a predetermined number of services is requested through the link between the first account and the second account, the link between the first account and the second account is terminated.***

Markki in at least paragraph [0134] discloses group rules which are used to indicate the level of sharing of group resources by different members of the group.

Huitema and Hunter do not disclose the limitation above.

Zmudzinski in at least paragraphs [0008-0010, 0014, 0017, 0018, 0020, 0025 and 0028] discloses the allocation, limiting the number of and the "at will termination" of shareable licenses derived from a master device.

Markki, Huitema, Hunter and Zmudzinski do not specifically disclose "termination based on a level of service", Wannamaker in at least paragraph [0135] discloses an information platform useful for gaming applications over the Internet. Wannamaker in at least paragraphs [0148-0156] discloses a supervisor which monitors resources, such as memory consumption and CPU usage and can terminate processes that exceed preset limits. It would have been obvious, at the time of the invention, to one of ordinary skill to modify Markki, Huitema, Hunter and Zmudzinski with Wannamaker's resource management features with the motivation to insure that the level of supportable paid for services among all game users does not exceed the system's capability to support those services.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

14 October 2010

**/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627**